

SECOND REGULAR SESSION

HOUSE BILL NO. 1983

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LADD BAKER.

Read 1st time February 19, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4759L.011

AN ACT

To repeal section 208.040, RSMo, and to enact in lieu thereof one new section relating to earned income disregards for temporary assistance benefits.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 208.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 208.040, to read as follows:

208.040. 1. Temporary assistance benefits shall be granted on behalf of a dependent child or children and may be granted to the parents or other needy eligible relative caring for a dependent child or children who:

(1) Is under the age of eighteen years; or is under the age of nineteen years and a full-time student in a secondary school (or at the equivalent level of vocational or technical training), if before the child attains the age of nineteen the child may reasonably be expected to complete the program of the secondary school (or vocational or technical training);

(2) Has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece, in a place of residence maintained by one or more of such relatives as the child's own home, and financial aid for such child is necessary to save the child from neglect and to secure for the child proper care in such home. Physical or mental incapacity shall be certified to by competent medical or other appropriate authority designated by the division of family services, and such certificate is hereby declared to be competent evidence in any proceedings concerning the eligibility of such claimant to receive aid

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 to families with dependent children benefits. Benefits may be granted and continued for this
18 reason only while it is the judgment of the division of family services that a physical or mental
19 defect, illness or disability exists which prevents the parent from performing any gainful work;

20 (3) Is not receiving supplemental aid to the blind, blind pension, supplemental payments,
21 or aid or public relief as an unemployable person;

22 (4) Is a resident of the state of Missouri.

23 2. The division of family services shall require as additional conditions of eligibility for
24 benefits that each applicant for or recipient of aid:

25 (1) Shall furnish to the division the applicant or recipient's Social Security number or
26 numbers, if the applicant or recipient has more than one such number;

27 (2) Shall assign to the division of family services in behalf of the state any rights to
28 support from any other person such applicant may have in the applicant's own behalf or in behalf
29 of any other family member for whom the applicant is applying for or receiving aid. An
30 application for benefits made under this section shall constitute an assignment of support rights
31 which shall take effect, by operation of law, upon a determination that the applicant is eligible
32 for assistance under this section. The assignment is effective as to both current and accrued
33 support obligations and authorizes the division of child support enforcement of the department
34 of social services to bring any administrative or judicial action to establish or enforce a current
35 support obligation, to collect support arrearages accrued under an existing order for support, or
36 to seek reimbursement of support provided by the division;

37 (3) Shall cooperate with the divisions of family services and of child support
38 enforcement unless the division of family services determines in accordance with federally
39 prescribed standards that such cooperation is contrary to the best interests of the child on whose
40 behalf aid is claimed or to the caretaker of such child, in establishing the paternity of a child born
41 out of wedlock with respect to whom aid is claimed, and in obtaining support payments for such
42 applicant and for a child with respect to whom such aid is claimed, or in obtaining any other
43 payments or property due such applicant or such child. The divisions of family services and of
44 child support enforcement shall impose all penalties allowed pursuant to federal participation
45 requirements;

46 (4) Shall cooperate with the department of social services in identifying and providing
47 information to assist the state in pursuing any third party who may be liable to pay for care and
48 services available under the state's plan for medical assistance as provided in section 208.152,
49 unless such individual has good cause for refusing to cooperate as determined by the department
50 of social services in accordance with federally prescribed standards; and

51 (5) Shall participate in any program designed to reduce the recipient's dependence on
52 welfare, if requested to do so by the department of social services.

53 3. The division shall require as a condition of eligibility for temporary assistance benefits
54 that a minor child under the age of eighteen who has never married and who has a dependent
55 child in his or her care, or who is pregnant and otherwise eligible for temporary assistance
56 benefits, shall reside in a place of residence maintained by a parent, legal guardian, or other adult
57 relative or in some other adult-supervised supportive living arrangement, as required by Section
58 403 of P.L. 100-485. Exceptions to the requirements of this subsection shall be allowed in
59 accordance with requirements of the federal Family Support Act of 1988 in any of the following
60 circumstances:

61 (1) The individual has no parent or legal guardian who is living or the whereabouts of
62 the individual's parent or legal guardian is unknown; or

63 (2) The division of family services determines that the physical health or safety of the
64 individual or the child of the individual would be jeopardized; or

65 (3) The individual has lived apart from any parent or legal guardian for a period of at
66 least one year prior to the birth of the child or applying for benefits; or

67 (4) The individual claims to be or to have been the victim of abuse while residing in the
68 home where she would be required to reside and the case has been referred to the child abuse hot
69 line and a "reason to suspect finding" has been made. Households where the individual resides
70 with a parent, legal guardian or other adult relative or in some other adult-supervised supportive
71 living arrangement shall, subject to federal waiver to retain full federal financial participation
72 and appropriation, have earned income disregarded from eligibility determinations up to one
73 hundred percent of the federal poverty level.

74 4. If the relative with whom a child is living is found to be ineligible because of refusal
75 to cooperate as required in subdivision (3) of subsection 2 of this section, any aid for which such
76 child is eligible will be paid in the manner provided in subsection 2 of section 208.180, without
77 regard to subsections 1 and 2 of this section.

78 5. The department of social services may implement policies designed to reduce a
79 family's dependence on welfare. The department of social services is authorized to implement
80 these policies by rule promulgated pursuant to section 660.017, RSMo, and chapter 536, RSMo,
81 including the following:

82 (1) The department shall increase the earned income and resource disregards allowed
83 recipients to help families achieve a gradual transition to self-sufficiency, including
84 implementing policies to simplify employment-related eligibility standards by increasing the
85 earned income disregard to two-thirds by October 1, 1999. The expanded earned income
86 disregard shall apply only to recipients of cash assistance who obtain employment but not to new
87 applicants for cash assistance who are already working. [Once the individual has received the
88 two-thirds disregard for twelve months, the individual would not be eligible for the two-thirds

89 disregard until the individual has not received temporary assistance benefits for twelve
90 consecutive months.] The department shall promulgate rules pursuant to chapter 536, RSMo,
91 to implement the expanded earned income disregard provisions;

92 (2) The department shall permit a recipient's enrollment in educational programs beyond
93 secondary education to qualify as a work activity for purposes of receipt of temporary assistance
94 for needy families. Such education beyond secondary education shall qualify as a work activity
95 if such recipient is attending and according to the standards of the institution and the division of
96 family services, making satisfactory progress towards completion of a postsecondary or
97 vocational program. Weekly classroom time and allowable study time shall be applied toward
98 the recipient's weekly work requirement. Such recipient shall be subject to the sixty-month
99 lifetime limit for receipt of temporary assistance for needy families unless otherwise excluded
100 by rule of the division of family services;

101 (3) Beginning January 1, 2002, and every two years thereafter, the department of social
102 services shall make a detailed report and a presentation on the temporary assistance for needy
103 families program to the house appropriations for social services committee and the house social
104 services, Medicaid and the elderly committee, and the senate aging, families and mental health
105 committee, or comparable committees;

106 (4) Other policies designed to reduce a family's dependence on welfare may include
107 supplementing wages for recipients for the lesser of forty-eight months or the length of the
108 recipient's employment by diverting the temporary assistance grant.

109

110 The provisions of this subsection shall be subject to compliance by the department with all
111 applicable federal laws and rules regarding temporary assistance for needy families.

112 6. The work history requirements and definition of "unemployed" shall not apply to any
113 parents in order for these parents to be eligible for assistance pursuant to section 208.041.

114 7. The department shall continue to apply uniform standards of eligibility and benefits,
115 excepting pilot projects, in all political subdivisions of the state.

116 8. Consistent with federal law, the department shall establish income and resource
117 eligibility requirements that are no more restrictive than its July 16, 1996, income and resource
118 eligibility requirements in determining eligibility for temporary assistance benefits.